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HOUSE BILL 231

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

W. C. "DUB" WILLIAMS

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ELEMENTARY AND SECONDARY
SCHOOL SCHOLARSHIPS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as
the "Elementary and Secondary School Scholarship Act". "

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] LEGISLATIVE FINDINGS AND PURPOSE. --

A. The legislature finds that:

(1) every family in New Mexico should have
the option to take advantage of the best educational
opportunities available to their school-age children;

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1 (2) providing families in New Mexico a choice
2 between schools leads to competition that benefits students
3 and improves the quality of public schools;

4 (3) students should be allowed to improve
5 their learning potential through educational opportunities
6 that are best suited to their individual needs and interests;
7 and

8 (4) a family of a low economic status should
9 not be denied educational choices for their school-age
10 children.

11 B. The purpose of the Elementary and Secondary
12 School Scholarship Act is to establish a scholarship program
13 that provides New Mexico's students the opportunity to attend
14 private schools. "

15 Section 3. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] DEFINITIONS. -- As used in the Elementary
18 and Secondary School Scholarship Act:

19 A. "family income" means the income of a student's
20 parent or legal guardian who resides with the student at the
21 student's principal residence;

22 B. "federal poverty guidelines" means the level of
23 income defining poverty by family size published annually in
24 the federal register by the United States department of health
25 and human services;

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1 C. "private school" means an elementary or
2 secondary school that is not part of a school district or a
3 charter school; and

4 D. "program" means the elementary and secondary
5 school scholarship program "

6 Section 4. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM - ADOPTING
9 RULES. --

10 A. The department of education shall establish and
11 bear the cost of administering the elementary and secondary
12 school scholarship program.

13 B. The department of education shall promulgate
14 rules to implement and operate the program.

15 C. A private school shall not be required to
16 participate in the program.

17 D. The department of education in cooperation with
18 the school districts shall embark on a public awareness
19 campaign to inform the public about the program using the
20 schools, other government agencies and the media. "

21 Section 5. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] ELIGIBLE STUDENTS. --

24 A. A student who is a resident of New Mexico and
25 is at least five years of age prior to 12:01 a.m. September 1

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1 of the school year or is a developmentally disabled three- or
2 four-year-old child is eligible to participate in the program
3 if his family meets the following criteria:

4 (1) for the 1998-99 school year, the
5 student's family income in 1997 does not exceed one hundred
6 eighty-five percent of the 1997 federal poverty guidelines;

7 (2) for the 1999-00 school year, the
8 student's family income in 1998 does not exceed two hundred
9 thirty-five percent of the 1998 federal poverty guidelines;
10 and

11 (3) for the 2000-01 school year, the
12 student's family income in 1999 does not exceed three hundred
13 percent of the 1999 federal poverty guidelines.

14 B. For the 2001-02 school year and subsequent
15 years, all students shall be eligible to participate in the
16 program "

17 Section 6. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] ELIGIBLE PRIVATE SCHOOLS. --

20 A. If a private school has existed for two school
21 years or more, it is eligible to participate in the program if
22 it is accredited by the state board, association of Christian
23 schools international, independent schools association of the
24 southwest, international Christian accrediting association,
25 New Mexico north central association, southwestern association

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1 of Episcopal schools, national association for education of
2 young children, Navajo north central association or other
3 educational accrediting body approved by the state board.

4 B. If a private school has existed for fewer than
5 two school years, it is eligible to participate if it applies
6 for accreditation by the state board, association of Christian
7 schools international, independent schools association of the
8 southwest, international Christian accrediting association,
9 New Mexico north central association, southwestern association
10 of Episcopal schools, national association for education of
11 young children, Navajo north central association or other
12 educational accrediting body approved by the state board and
13 the anticipated date of accreditation is not later than the
14 end of the second school year during which the private school
15 has accepted scholarship students.

16 C. To be eligible to participate in the program, a
17 private school shall:

18 (1) register with the superintendent of a
19 local school district as an eligible private school;

20 (2) develop anti-discrimination policies to
21 prevent discrimination on the basis of race, age, religion,
22 color, national origin, ancestry, sex, physical or mental
23 handicap or serious medical condition; and

24 (3) develop policies that do not discriminate
25 against students who are recipients of elementary and

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1 secondary school scholarships.

2 D. A private school that accepts students that are
3 participants in the program shall not be required to comply
4 with rules that apply to public schools promulgated by either
5 the state board or the local school board."

6 Section 7. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] PROCEDURES FOR USING SCHOLARSHIP NOTES. --

9 A. Not earlier than March 1 and not later than
10 July 1 prior to the beginning of a school year, a student's
11 parent or legal guardian may apply to the state superintendent
12 to participate in the program. The state superintendent may
13 waive the application deadline. The application shall contain
14 the following information:

- 15 (1) the student's name and address;
- 16 (2) the student's date of birth;
- 17 (3) the student's social security number;
- 18 (4) the student's school attendance zone;
- 19 (5) the student's grade level;
- 20 (6) the name and address of the student's
21 parent or legal guardian who is residing with the child;
- 22 (7) copies of the student's parent or legal
23 guardian's three most recent paycheck receipts for all
24 employment or a signed statement by the parent or legal
25 guardian's employer indicating his weekly, biweekly or annual

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1 gross earnings for a parent or legal guardian who resides with
2 the student at the student's principal residence;

3 (8) whether the student was enrolled in a
4 class A, B, C or D special education program in the prior
5 school year or, for a child entering school for the first
6 time, whether the child has a diagnosed developmental
7 disability or learning disorder;

8 (9) whether the student speaks a language
9 other than English as his principal language; and

10 (10) the name, tuition, fees and address of
11 the private school to which the student intends to apply.

12 B. No later than forty-five days after the
13 application is received, the state superintendent shall act on
14 the application, notify the parent or legal guardian of the
15 value of the scholarship note and issue the scholarship note
16 if the application is approved.

17 C. The scholarship note shall be issued to the
18 student in the care of the student's parent or legal guardian.
19 The scholarship note shall not be issued to the private school
20 that the student chooses to attend.

21 D. The student and his parent or legal guardian
22 shall solely select the private school the student chooses to
23 attend. The state shall not decide which private school a
24 student may attend. The state shall not advise or influence
25 the student's selection of a private school.

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1 E. Not later than August 15 of each year, the
2 state superintendent shall report to the school districts the
3 ages, school attendance zones and scholarship values of
4 students participating in the program."

5 Section 8. A new section of the Public School Code is
6 enacted to read:

7 "[NEW MATERIAL] SCHOLARSHIP NOTES--REDEMPTION.--

8 A. The value of the scholarship note shall be
9 equal to the amount of money generated by the student through
10 the equalization formula if the student had attended a public
11 school in his school attendance zone, excluding any size
12 adjustment for the school district or the public school. The
13 department of education shall calculate the value of a
14 student's scholarship note using the equalization formula set
15 out in the Public School Finance Act.

16 B. The scholarship note redemption value shall not
17 exceed the tuition and fees charged by a private school for
18 students not participating in the program.

19 C. Within fifteen days after receiving a
20 scholarship note, a private school shall certify enrollment of
21 the student named on the scholarship note and shall certify
22 the amount of tuition and fees charged by the private school
23 to the department of education.

24 D. A private school shall redeem the value of the
25 scholarship note from the department of education in monthly

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1 installments equal to one-ninth the value defined in
2 Subsection A of this section. The monthly installments shall
3 begin on the first day of the first month of the school year.

4 E. If a private school disenrolls a student during
5 the school year or if the student is absent for ten
6 consecutive days without explanation from his parent or legal
7 guardian, the private school shall notify the department of
8 education and the monthly scholarship redemption shall cease.

9 F. If a parent or legal guardian disenrolls a
10 student from a private school and enrolls the student in
11 another private school or in a public school during the school
12 year, the parent or legal guardian shall notify the department
13 of education. Upon receipt of proof of enrollment in another
14 private school and certification of tuition and fees charged
15 by the new private school, the remaining scholarship
16 redemption installments shall be made to the new private
17 school. Upon proof of enrollment in a public school, the
18 remaining redemption installments shall be made to the school
19 district in which the public school is located.

20 G. The school district in which a student's
21 attendance zone is located shall not bear the costs of
22 transportation, room, board, instructional materials,
23 equipment, educational technology or any other costs of
24 attending a private school except for the amount of the
25 scholarship note. "